

FIRST REGULAR SESSION

SENATE BILL NO. 234

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CROWELL.

Read 1st time January 9, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

1195S.011

AN ACT

To repeal sections 211.032 and 565.084, RSMo, and to enact in lieu thereof two new sections relating to juvenile court and officers, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 211.032 and 565.084, RSMo, are repealed and two new
2 sections enacted in lieu thereof, to be known as sections 211.032 and 565.084, to
3 read as follows:

211.032. 1. Except as otherwise provided in a circuit participating in a
2 pilot project established by the Missouri supreme court, when a child or person
3 seventeen years of age, alleged to be in need of care and treatment pursuant to
4 subdivision (1) of subsection 1 of section 211.031, is taken into custody, the
5 juvenile or family court shall notify the parties of the right to have a protective
6 custody hearing. Such notification shall be in writing.

7 2. Upon request from any party, the court shall hold a protective custody
8 hearing. Such hearing shall be held within three days of the request for a
9 hearing, excluding Saturdays, Sundays and legal holidays. For circuits
10 participating in a pilot project established by the Missouri supreme court, the
11 parties shall be notified at the status conference of their right to request a
12 protective custody hearing.

13 3. No later than February 1, 2005, the Missouri supreme court shall
14 require a mandatory court proceeding to be held within three days, excluding
15 Saturdays, Sundays, and legal holidays, in all cases under subdivision (1) of
16 subsection 1 of section 211.031; **except for the cases where the child has not**
17 **been removed from a parent or guardian.** The Missouri supreme court shall
18 promulgate rules for the implementation of such mandatory court proceedings
19 and may consider recommendations from any pilot projects established by the

20 Missouri supreme court regarding such proceedings. Nothing in this subsection
21 shall prevent the Missouri supreme court from expanding pilot projects prior to
22 the implementation of this subsection.

23 4. The court shall hold an adjudication hearing no later than sixty days
24 after the child has been taken into custody. The court shall notify the parties in
25 writing of the specific date, time, and place of such hearing. If at such hearing
26 the court determines that sufficient cause exists for the child to remain in the
27 custody of the state, the court shall conduct a dispositional hearing no later than
28 ninety days after the child has been taken into custody and shall conduct review
29 hearings regarding the reunification efforts made by the division every ninety to
30 one hundred twenty days for the first year the child is in the custody of the
31 division. After the first year, review hearings shall be held as necessary, but in
32 no event less than once every six months for as long as the child is in the custody
33 of the division.

34 5. At all hearings held pursuant to this section the court may receive
35 testimony and other evidence relevant to the necessity of detaining the child out
36 of the custody of the parents, guardian or custodian.

37 6. By January 1, 2005, the supreme court shall develop rules regarding
38 the effect of untimely hearings.

39 7. If the placement of any child in the custody of the children's division
40 will result in the child attending a school other than the school the child was
41 attending when taken into custody:

42 (1) The child's records from such school shall automatically be forwarded
43 to the school that the child is transferring to upon notification within two
44 business days by the division; or

45 (2) Upon request of the foster family, the guardian ad litem, or the
46 volunteer advocate and whenever possible, the child shall be permitted to
47 continue to attend the same school that the child was enrolled in and attending
48 at the time the child was taken into custody by the division. The division, in
49 consultation with the department of elementary and secondary education, shall
50 establish the necessary procedures to implement the provisions of this subsection.

565.084. 1. A person commits the crime of tampering with a judicial
2 officer if, with the purpose to harass, intimidate or influence a judicial officer in
3 the performance of such officer's official duties, he:

4 (1) Threatens or causes harm to such judicial officer or members of such
5 judicial officer's family;

6 (2) Uses force, threats, or deception against or toward such judicial officer
7 or members of such judicial officer's family;

8 (3) Offers, conveys or agrees to convey any benefit direct or indirect upon
9 such judicial officer or such judicial officer's family;

10 (4) Engages in conduct reasonably calculated to harass or alarm such
11 judicial officer or such judicial officer's family, including stalking pursuant to
12 section 565.225.

13 2. A judicial officer for purposes of this section shall be a judge, arbitrator,
14 special master, juvenile court commissioner, **juvenile or deputy juvenile**
15 **officer**, state probation or parole officer, or referee.

16 3. A judicial officer's family for purposes of this section shall be:

17 (1) His spouse; or

18 (2) His or his spouse's ancestor or descendant by blood or adoption; or

19 (3) His stepchild, while the marriage creating that relationship exists.

20 4. Tampering with a judicial officer is a class C felony.

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Bill

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